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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,692	05/05/2006	Stephen D. Horton	1200325N US	4925

35227 7590 10/09/2007

POLYONE CORPORATION
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EXAMINER	
NGUYEN, KHANH TUAN	
ART UNIT	**PAPER NUMBER**
1796	

MAIL DATE	DELIVERY MODE
10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,692	HORTON, STEPHEN D.	
	Examiner	Art Unit	
	Khanh T. Nguyen	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The preliminary amendment filed on 05/05/2006 is entered and acknowledged by the Examiner. Claims 1-10 and 11-20 are currently pending in the instant application. Claim 11 has been cancelled.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/17/2006 has been regarded by Examiner and made of record in the application file.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not include the notary's signature, or the notary's signature is in the wrong place.

Specification

The disclosure is objected to because of the following informalities: Page 5 of the specification is blank and recited "Blank Page Upon Filing." The Examiner is unclear whether the page 5 of the specification is intentionally or accidentally blank. Appropriate correction is required.

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

- On page 4 of specification recited "http://www.noveoncoatings.com."
- On page 6 of specification recited "http://www.elementis-specialties.com."

Claim Rejections - 35 USC § 112

Claims 6 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "High MVTR (Moisture Vapor Transmission Rate)" in claims 6 and 15 are relative term which renders the claim indefinite. The term " High MVTR " is not defined by the claim, the specification does not provide a standard for ascertaining the

requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Examiner is unclear of the rate of moisture vapor transmission required to meet the instant claimed limitation of "high MVTR." For the purpose of prosecution, any water-borne urethane polymer will meet the limitation of high MVTR.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Geer et al. (U.S Pub. 2002/0195592 hereinafter, "Geer") or Silvis et al. (U.S Pat. 2002/0195592 hereinafter, "Silvis").

With respect to claims 1-10 and 12-20, Geer discloses a coating system utilizing at least one inherently conductive polymer in combination with galvanically anodic metals dispersed in a resin matrix and curing agent [0010]. The resin binder may be a water-borne polyurethane or acrylate resin [0011 and 0018]. The disclosure of a water-borne polyurethane resin binder inherently meets the limitation of a urethane polymer

(e.g. aliphatic polyether polyurethane). Geer also discloses inherently conductive polymer is at least of the group consisting of polyaniline, lingo-sulfonic acid doped polyaniline, polypyrrole, polythiophene, polyacetylene, and poly-p-phenylene sulfide [0018]. Geer further discloses rheology agents (e.g. non-ionic thickener and non-ionic anti-settling agent) may be added to the dispersion to assist in flowability, hardness and dispersion of a coating system [0145]. The reference specifically or inherently meets each of the claimed limitations. The reference is anticipatory.

Similarly, Viswanathan discloses a coating system utilizing at least one inherently conductive polymer dispersed in a film-forming resin base, wherein the conductive polymer is a polyaniline doped with lignosulfonic acid (Col. 6, lines 41-59). A suitable film-forming resin base may be selected from a water-borne resin such as polyurethane and acrylic polymer (Col. 7, lines 14-15 and Col. 7, lines 25-28). The disclosure of a water-borne polyurethane resin inherently meets the limitation of a urethane polymer (e.g. aliphatic polyether polyurethane). Viswanathan further discloses a curing agent and additives such as surfactant (i.e. anti-settling agent), catalyst, adhesion promoters and solvent may be added to the coating system (Col. 7, lines 65-67 to Col. 8, lines 1-2). The reference specifically or inherently meets each of the claimed limitations. The reference is anticipatory.

Claims 1-4, 7-10, 12, 13 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Geer et al. (U.S Pub. 2002/0195592 hereinafter, "Geer") or Silvis et al. (U.S Pat. 2002/0195592 hereinafter, "Silvis").

With respect to claims 1-4, 7-10, 12, 13 and 16-20, Silvis discloses a process for coating an article comprising a mixture of (a) a thermoplastic polymer, thermoset polymer or mixture thereof and (b) an electronically conductive charge transfer complex or inherently semiconducting polymer different (Col. 1, lines 45-53). The electronically conductive charge transfer complex or inherently semiconducting polymer may be a polyaniline doped or grafted with lignosulfonic acid (Col. 3, lines 49-67). Silvis also discloses polyurethane or polyurea thermoset polymer is preferably combine with sulfonic acid doped polyaniline (Col. 5, lines 41-44). A compatibilizing agent may be utilized in the polymer matrix to reduce agglomerization of inherently conductive polymer particles (Col. 6, lines 22-45). Silvis' compatibilizing agent reads on a non-ionic thickener and anti-settling agent. The reference specifically or inherently meets each of the claimed limitations. The reference is anticipatory.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh T. Nguyen whose telephone number is (571) 272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KTN
09/19/2007

Mark Kopec
Primary Examiner